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नई दिल्ली नगरपालिका परिषद्

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कार्य पद्धति एवं संचालन विनियम, 1997

New Delhi Municipal Council

Procedure and Conduct of Business Regulations, 1997

Secretary

11/9/17

SECRET

urgent, pl.

6/9/17

23/11/17

Dr. D. K. Singh

07-09-17

GOVT. OF THE NATIONAL CAPITAL TERRITORY OF DELHI

DEPARTMENT OF URBAN DEVELOPMENT

NOTIFICATION

Delhi, the 30th June, 1998

No. F.4(28)97-98/UD/7498 – The following is published for general information :-

NEW DELHI MUNICIPAL COUNCIL

NOTIFICATION

In exercise of the powers conferred by sub-section (5) of section 28 read with sub-section (2) of Section 387 of the New Delhi Municipal Council Act, 1994 (Act No. 44 of 1994), the Council, with the approval of the Central Government, hereby makes the following regulations, namely :-

PRELIMINARY

1. Short title and commencement : - (1) These regulations may be called The New Delhi Municipal Council (Procedure and Conduct of Business) Regulations, 1997.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions :- (1) In these regulations, unless the context otherwise requires :-

(a) "Act" means the New Delhi Municipal Council Act, 1994 (Act No. 44 of 1994) ;

(b) "Clear days" means days exclusive of the day of issue of a notice or intimation, and of the day of the meeting, but it includes Saturdays, Sundays and holidays ;

(c) "Committee" means a Committee constituted by the Council under sub-section (1) of section 9 ;

(d) "motion" means a proposal to evoke action on the part of the Council and includes an amendment of a motion ;

(e) "regulation" means a regulation of the New Delhi Municipal Council (Procedure and conduct of Business) Regulations, 1996 ;

(f) "resolution" means a proposal for the purpose of discussing a matter of general public interest relating to the municipal government of New Delhi in a meeting of the Council ;

(g) "Roll of Members" means a register in which new members sign after making and subscribing the oath or affirmation and before taking their seats for the first time in the Council ;

- (h) "Secretary" means the Secretary of the Council appointed under section 33 of the Act, and includes any other person as is empowered to perform the functions of the Secretary ;
 - (i) "section" means a section of the Act ;
 - (j) "sitting" means the sitting together of the members of the Council on any day for the transaction of business from the commencement of such transaction till the Council rises for the day ;
- (2) Words and expressions used in the Act and not defined herein shall, unless the context otherwise requires, have the meanings assigned to them in the Act.

CHAPTER II

MEETINGS OF COUNCIL, SEATING, OATH OR AFFIRMATION AND ROLL OF MEMBERS

- 3. Meetings of Council : - (1) The Council shall ordinarily hold at least one meeting in every month for the transaction of business.
- (2) The date, time and place of the meeting of the Council shall be fixed by the Chairperson.
- (3) The date, time and place of the second meeting of the Council, if necessary, shall be decided by the Council at its first meeting of the month.
- 4. Secretary to intimate the date etc. of the meetings :- The Secretary shall, atleast fifteen clear days before the date fixed for the first ordinary meeting of the month and at least three clear days before the date fixed for the second ordinary meeting of the month by the Council, send or cause to be sent to all the members intimation of the date, time and place of such meeting.
- 5. Chairperson may on his own motion and shall when requisitioned by members call special meeting -
 - (1) The Chairperson may on his own motion call a special meeting of the Council on a date, time and place fixed by him.
 - (2) The Chairperson and in his absence the Vice-Chairperson shall, upon a requisition in writing by not less than on fourth of the total number of members, convene a special meeting of the Council within two clear days from the date of the receipt of such requisition.
 - (3) The Secretary shall at least one clear day before the date fixed for a special meeting send or cause to be sent to all the members intimation of the date, time and place of such special meeting.
- 6. Notice of the meeting on the Notice Board :- A notice stating the date, time and venue of every meeting of the Council shall be placed on the date of its issue on notice board at the office of the Council.

7. Service of the notice : - Every notice under these regulations shall, if practicable, be served personally by delivering or tendering it to the member to whom it is addressed or if such person is not found, by leaving it at his last known place of residence or by giving or tendering the notice to some adult member or servant of his family found at his usual place of residence or at his last known place of abode, and if none of the means is possible, then by causing the notice to be affixed on some conspicuous part of the building in which the member resides.
8. Persons to be present at the meeting :- The Secretary and such other officers as may be authorized by the Chairperson shall be present at every meeting of the Council. They shall, however, have no right to vote at such a meeting.
9. Seating :- The members shall sit in such order as the Chairperson may determine.
10. Oath or affirmation :- A member who has not already made and subscribed an oath or affirmation, in pursuance of section 7 of the Act, may do so at the commencement of a sitting of the Council, or at any other time of the sitting of the Council, as the Chairperson may direct, on any day after giving previous notice in writing to the Secretary.
11. Roll of Members :- There shall be a Roll of Members of the Council which shall be signed in the presence of the Secretary by every member, before taking his seat.
12. Duly constituted sitting :- A sitting of the Council is duly constituted when it is presided over by the Chairperson or any other member competent to preside over a sitting of the Council under the Act.

CHAPTER - III

ARRANGEMENT OF BUSINESS AND LIST OF BUSINESS

13. List of Business : - A list of business (including a supplementary list) for the meeting shall be prepared by the Secretary under the directions of the Chairperson and a copy thereof shall be made available for the use of every member.
 - (2) Save as otherwise provided in these regulations, no business not included in the list of business for the meeting shall be brought before or transacted at any sitting without the permission of the Chairperson.
 - (3) Save as otherwise provided in these regulations, no business requiring notice shall be set down for a day earlier than the day after that on which the period of the notice necessary for that business expires.
14. Arrangement of business :- (1) The list of business of an ordinary meeting shall, as far as possible, be arranged by the Secretary in the following order, namely :-

- (a) Confirmation and signing at such meeting by the presiding officer thereof of the minutes of the last ordinary meeting or meetings or and of the minute of any special meeting since the last ordinary meeting.
- (b) Questions.
- (c) Business from the Chairperson.
- (d) Reports of Committees.
- (e) Notice of resolutions given by the members under the provision to section 23.

(2) The order of business shall not be varied unless the Chairperson is satisfied that there is sufficient ground for such variation.

15. Notice of business : - (1) A list of business to be transacted at every meeting except at an adjourned meeting shall be sent to the address of each member at least seventy two hours before the time fixed for such meeting.

(2) In the case of the special meeting, the list of business to be transacted there, shall be sent at least twenty four hours before the time fixed for such meeting.

16. Supplementary list of business relating to certain urgent matters : - Notwithstanding anything contained in these regulations, the Secretary may prepare under the directions of the Chairperson a supplementary list of business with respect to any urgent matters proposed by the Chairperson and circulate that list to the members for consideration at the ensuing meeting whether ordinary or special or adjourned.

17. Business at Special Meetings :- (1) When a special meeting of the Council is to be convened under regulation 5, the Chairperson or the members requisitioning such a meeting, as the case may be, shall indicate to the Secretary the business to be transacted at such a meeting.

(2) No business other than the business included in the list of business to be transacted at the special meeting under sub-regulation (2) of regulation 15 shall be brought before, or transacted at the meeting.

CHAPTER - IV

QUESTIONS

18. Questions : - (1) Unless the Chairperson otherwise directs, not more than one hour at the first day or every meeting of the Council shall be available for the asking and answering of questions.

(2) No question shall be asked at an adjourned or special meeting.

(3) No member shall ask more than three questions at any such meeting, referred to in sub-regulation (1).

19. Period of Notice : - Unless the Chairperson otherwise directs, not less than seven clear days' notice of a question shall be given.

20. Form of Notice : - (1) Notice of a question shall be given in writing to the Secretary and shall specify -

- (i) the text of the question ;
- (ii) the monthly meeting at which it is intended to ask the question; and
- (iii) the order of preference, if any, for its being placed on the list of question, where a member tables more than one notice of questions for the same meeting.

(2) Where a notice is signed by more than one member, it shall be deemed to have been given by the first signatory only.

(3) If the order of preference, referred to in clause (iii) of sub-regulation (1) is not indicated, the question shall be placed in the list in the order in which notice thereof was received by the Secretary in point of time.

21. Rotation of Questions : - (1) Questions in the name of a member shall be entered in the list in three rounds or less according to the number of questions admitted in his name. All members who have questions in the list will have one question each entered in the first round and after completing the first question of all the members on the list their second and third questions, if any, will in the like order be placed in the second and third rounds respectively.

(2) The priority to be given to Members inter se for rotating their question shall be determined according to sitting arrangements fixed in the first meeting of the Council, and the priority so fixed shall continue to be rotated in that order for every subsequent ordinary meeting.

22. List of Questions :- The Secretary shall prepare a list of all admitted questions in the order indicated in regulation 21 and circulate the same along with written answers to every member, before the sitting of the meeting.

Provided that if answer to any question is not ready, the question shall stand for the next ordinary meeting for answer.

23. Answering of Questions : - (1) If a question placed on the list of question on any day is not called for answer within the time available for answering questions on that day, or if called for answer the member in whose name it stands is absent, a written answer to such question shall be deemed to have been given at the end of the question hour :

Provided that if a member, on being called by the Chairperson, states that it is not his intention to ask the question standing in his name, the question shall be treated as having been withdrawn and no written answer thereto shall be deemed to have been given.

(2) If there is no question hour owing to the cancellation of a sitting or its adjournment without transacting any business, the answers to questions included in the list of questions shall be deemed to have been given in the Council and form part of the proceedings of the Council.

Provided that if the question hour is interrupted after having taken up the list of question and the list is partly disposed of during the question hour and the sitting continue, answer to all the remaining questions in the list of questions shall be deemed to have been answered and form part of the proceedings of the Council.

24. Admissibility of Questions :- Subject to the provisions of sub-sections (2) and (3) of section 28 of the Act, the Chairperson shall also be guided by the following while admitting a question, namely :

- (i) It shall be clearly and precisely expressed and shall not be too general incapable of any specific answer or in the nature of a leading question.
- (ii) It shall not ordinary exceed 150 words.
- (iii) It shall not ask about proceedings in the Committee which have not been placed before the Council.
- (iv) It shall not reflect on the character or conduct of any person.

25. Chairperson to decide admissibility : - (1) The Chairperson shall decide whether a question, or a part thereof, is or is not admissible under the Act and these regulations and may disallow any question, or a part thereof, when in his opinion it is in contravention of the Act or of these regulations.

(2) If a question or a part thereof has been disallowed by the Chairperson, the Secretary shall inform in writing the member who has given the notice of the question indicating the reasons for disallowing it.

26. Mode of asking questions : - (1) When the time for asking questions arrives, the Chairperson shall call successively each member in whose name a question appears on the list of questions.

- (2) The member so called shall, unless he states that it is not his intention to ask the question standing in his name, ask the question by reference to its number on the list of questions.
- (3) If on a question being called it is not asked as the member in whose name it stands is absent, the Chairperson may, at the request of any other member, give the answer.

27. Supplementary Questions : - (1) The member in whose name a question is listed, who shall have the first preference, or any other member, when called by the Chairperson, may ask a supplementary matter of fact regarding which an answer has been given orally :

Provided that not more than two supplementaries shall be allowed in respect of any question.

(2) A supplementary question shall be held out of order by the Chairperson if, in his opinion –

- (i) it does not arise from the main question or its answer ;
- (ii) instead of seeking information, it gives information ;
- (iii) It involves more than one separate issues ;
- (iv) It seeks confirmation or denial of an opinion ; and
- (v) It infringes any of the provisions of the Act or of these regulations regarding questions.

(3) No discussion shall be permitted during the time for question in respect of any question or of any answer given to a question.

28. Lapse of pending questions referred to members : - Where a reference is made to a member in connection with the notice of a question and no reply is received or a reply received from him is too late for the consideration of the Chairperson and the placing of the question, if admitted, on the list of questions for the appropriate meeting, such notice shall be deemed to have lapsed.

29. Prohibition of advance publicity of answers : - Answers to questions which the Chairperson proposes to give in the Council shall not be released for publication until the answers have actually been given in the Council.

CHAPTER V

URGENT MATTERS

30. Procedure regarding raising urgent matters : - (1) A member may, with the permission of the Chairperson, raise any matter of urgent public importance relating to the municipal government of New Delhi or the administration of the Act :

Provided that not more than two such matters shall be raised for any one sitting:
Provided further that the second matter shall not be raised by the same member who has raised the first matter.

- (2) The Chairperson may make a brief statement or ask for time to make a statement at a later hour or date.
- (3) There shall be no discussion on such statement at the time it is made.

CHAPTER VI

ASSURANCES

31. Implementation of Assurances :- In respect of any assurance, promise, undertaking, etc. given by the Chairperson in a meeting of the Council, a statement shall be laid, not later than three months of giving such assurance, promise, undertaking etc. on the table of the Council showing the manner of its implementation :

Provided that such statement shall also include all such assurances, promises, undertakings, etc., where it has not been possible to implement them.

CHAPTER VII

RESOLUTIONS

32. Notice of Resolution : - (1) A member (including the Chairperson) who wishes to move a resolution shall give notice to that effect to the Secretary so as to reach him at least forty-eight hours before the date fixed for the meeting. He shall also submit with the notice a copy of the resolution which he wishes to move :

Provided that the Chairperson may allow a shorter notice.

(2) No member shall send notice of more than two resolutions for an ordinary meeting.

33. Form of resolution : - A resolution is a proposal for the purpose of discussing a matter, relating to the municipal government of New Delhi or the administration of the Act, of general public interest, in a meeting of the Council. It may be in the form of a recommendation or request an action ; or call attention to a matter or situation for consideration by the Council, or in such other form as the Chairperson may consider appropriate.

34. Admissibility of resolution : - In order that a resolution may be admissible, it shall satisfy the following conditions, namely :

- (i) it shall be clearly and precisely expressed ;
- (ii) it shall raise substantially one definite issue only ;
- (iii) it shall not contain arguments, inferences, ironical expressions, imputations or offensive or defamatory statement ;
- (iv) it shall not refer to the conduct or character of persons except in their official or public capacity ; and
- (v) it shall not relate to any matter which is under adjudication by a court of law having jurisdiction in any part of India.

35. Chairperson to decide the admissibility :- The Chairperson shall decide whether a resolution or a part thereof, is or is not admissible under the Act and these regulations and may disallow any resolution or a part thereof when in his opinion, it is an abuse of the right of moving a resolution or calculated to obstruct or prejudicially affect the proceedings of the Council or is in contravention of the Act and these regulations or he may amend it so as to bring it in conformity with these regulations.

36. Matters before tribunals, Commissions, etc. :- No resolution which seeks to raise discussion on a matter pending before any statutory tribunal or statutory authority performing any judicial or quasi-judicial functions or any Commission or court of enquiry appointed to enquire into, or investigate any matter shall be permitted to be moved.

37. Circulation of Resolution :- The Secretary shall, with all possible dispatch, take steps to circulate all the admitted resolutions to every member.

38. Moving of resolution :- (1) A member in whose name a resolution stands shall, except when he wishes to withdraw it, when called upon, move the resolution, and shall commence his speech by a formal motion in the terms appearing in the list of business.

(2) A member may, with the permission of the Chairperson authorize any other member, to move it on his behalf, and the member so authorized may move it accordingly.

39. Amendments :- After a resolution has been moved any member may, subject to the regulations 33, 34 and 36, move an amendment to the resolution.

40. Time limit for speeches :- No speech on a resolution shall, except with the permission of the Chairperson, exceed ten minutes in duration.

41. Scope of discussion :- The discussion on a resolution shall be strictly to and within the scope of the resolution.

42. Withdrawal of resolution and amendment :- (1) A member in whose name a resolution stands may, when called upon, withdraw the resolution, and shall confine himself to a mere statement to that effect.

(2) A member who has moved a resolution or amendment to a resolution shall not withdraw the same except by leave of the Council.

43. Repetition of Resolution :- When a resolution has been moved no resolution or amendment raising substantially the same question shall be moved within three months from the date of the moving of the earlier resolution.

44. Lapse etc. of Resolution :- (1) Any resolution appearing in the list of business for any month which does not come up for consideration at a meeting for which it is included in the list of business shall lapse.

(2) Any resolution appearing in the list of business for any month which is not moved at the meeting for which it is included in the list of business shall be considered as dropped.

(3) Nothing in sub-regulations (1) and (2) shall prevent any member from giving a fresh notice of the same resolution to the Secretary.

CHAPTER VIII

COMMITTEES

45. Chairperson of Committee :- (1) The Chairperson of the Council shall preside over a meeting of a Committee.

(2) If the Chairperson is for any reason unable to act or is absent from any sitting, the Committee shall choose another member to act as Chairperson for that sitting.

Provided that if the Vice-Chairperson is a member of the Committee, he shall preside over the meeting.

46. Quorum in Committee :- (1) Quorum of any meeting of the Council shall be 5 members out of the total number of the members of the Council :

Provided that there shall be present at least two out of the five non-official members to constitute a quorum.

(2) If at any time fixed for any sitting of the Committee, or if at any time during any such sitting, there is no quorum the Chairperson of the Committee shall either suspend the sitting until there is a quorum or adjourn the sitting to some future day.

(3) When the Committee has been adjourned in pursuance of sub-regulation (2) on two successive times fixed for sittings of the Committee, the Chairperson shall report the fact to the Council.

47. Decision in Committee :- (1) All questions at any sitting of a Committee shall be determined by a majority of votes of the members present and voting.

(2) In the case of an equality of votes on any matter, the Chairperson or the person acting as such, shall have a second or casting vote.

48. Sitting of Committee :- The sittings of a Committee shall be held on such days and at such hour as the Chairperson may fix :

Provided that the sittings shall be held, as far as possible, on working days.

49. Record of decisions :- A record of the decisions / recommendations of a Committee shall be maintained and circulated to members of the Committee under the direction of the Chairperson.

CHAPTER IX

GENERAL RULES OF PROCEDURE

50. Mode of giving notice :- Every notice required by the Act and these regulations shall be given in writing addressed to the Secretary and signed by the member giving notice and delivered at his office during working hours.

51. Circulation of notices and papers to members :- The Secretary shall make every effort to circulate to each member a copy of every notice or other paper which is required by these regulations to be made available for the use of members.

52. Prohibition of advance publicity of notices :- A notice shall not be given publicity by any member or other person until it has been discussed in the meeting of the Council.

Provided that a notice of a question shall not be given any publicity until the day on which the question is answered by the Chairperson.

53. Power of Chairperson to amend notices :- If in the opinion of the Chairperson, any notice contains words, phrases or expressions which are argumentative, unparliamentary, ironical, irrelevant, verbose, or otherwise inappropriate, he may, in his discretion, amend such notice before it is circulated.

54. Repetition of Resolution etc. - A resolution or any matter under regulation 30 shall not raise a question substantially identical with one on which the Council has considered or discussed during a period of three months.

55. Language to be used at meetings :- The business at a meeting of the Council or any Committee thereof shall be transacted in Hindi or English.

56. Modification of a resolution :- No resolution shall be modified or cancelled within three months of the passing thereof, except by a resolution passed by not less than two thirds of the total number of members of the Council.

57. Rules to be observed by members :- Whilst the Council is sitting, a member -

- (i) shall not read any book, newspaper or letter except in connection with the business in the Council ;
- (ii) shall not interrupt any member while speaking by disorderly expression or noises or in any other disorderly manner ;
- (iii) shall bow to the Chair while entering or leaving the Council, and also when taking or leaving his seat ;
- (iv) shall always address the Chair ;
- (v) shall keep to his usual seat while addressing the Council ;
- (vi) shall not obstruct proceedings or interrupt and shall avoid making running commentaries when another member is speaking ;
- (vii) shall not shout slogans in the meeting ;
- (viii) shall not tear off documents in protest in a meeting ;
- (ix) shall not bring or play cassette or tape recorder or use cellular phone.

58. Mode of addressing the meeting:- A member desiring to make any observations on any matter before the Council shall speak from his place and shall address the Chairperson.

59. Rules to be observed while speaking:- A member while speaking shall not -

- (i) refer to any matter of fact on which a judicial decision is pending;
- (ii) make personal reference by way of making an allegation imputing a motive to or questioning the bonafides of any other member or official of the Council;

- (iii) use offensive expressions about the conduct or proceedings of the Council;
- (iv) reflect on any decision of the Council except on a resolution for rescinding it;
- (v) utter treasonable, seditious or defamatory words;
- (vi) obstruct the business of the Council;
- (vii) refer to Council officials by name; and
- (viii) make any allocation of a defamatory or incriminatory nature against any person.

60. Order of speeches and right of reply: (1) After the member who moves a resolution has spoken, other members may speak in such order as the Chairperson may call them. If any member who is so called upon does not speak, he shall not be entitled, except with the permission of the Chairperson, to speak on the resolution at any later stage.

- (2) Except in the exercise of right of reply or as otherwise provided by these regulations, no member shall speak more than once on any resolution, except with the permission of the Chairperson.
- (3) A member who has moved a resolution may speak again by way of reply. Reply by him shall in all cases conclude the debate.

61. Language and manner of keeping proceedings:- (1) The proceedings of each meeting of the Council shall be tape-recorded and kept in the custody of the Secretary.

- (2) In the proceedings shall be entered the names of the members present at each meeting the decisions arrived at. The proceedings shall be prepared by the Secretary and signed by the presiding officer of that meeting. A copy of the proceedings shall be sent to each member by the Secretary.
- (3) At the time of the next meeting, when the confirmation of the minutes is sought, the proceeding shall be deemed to have read out at that meeting.

62. Custody of Papers:- The Secretary shall have custody of all records, documents and papers belonging to the Council or any of its Committee and he shall not permit such records, documents or papers to be taken out of the precincts of the office without the permission of the Chairperson.

63. Residuary powers:- All matters not specifically provided for in these regulations and all questions relating to the detailed working of these regulations shall be regulated in such manner as the Chairperson may, from time to time, direct.

64. Repeal and saving:- The bye-laws of the New Delhi Municipal Committee approved by the Chief Commissioner, Delhi, vide his notification No.F.3(64)41-LSG, dated the 6th August, 1941 is hereby repealed: